

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

JULIO TELLO and ROSA TELLO

VS.

STATE FARM LLOYDS

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CIVIL ACTION NO.: _____

(JURY DEMANDED)

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| NOTICE OF REMOVAL |
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TO THE HONORABLE UNITED STATES DISTRICT COURT:

COMES NOW Defendant **STATE FARM LLOYDS** (“State Farm”), pursuant to 28 U.S.C., §1446, filing this its *Notice of Removal* and, for cause, shows as follow:

I.

Plaintiffs **JULIO TELLO and ROSA TELLO** instituted this civil action against Defendant **STATE FARM LLOYDS** in the County Court At Law No. 1, Hidalgo County, Texas. True copies of the process and pleadings from the state court litigation are contemporaneously filed.

II.

This action is properly removable under 28 U.S.C., §1441(a) because the United States District Court has original jurisdiction pursuant to 28 U.S.C., §1332(a). This action is timely removable pursuant to 28 U.S.C., §1446(b). Defendant first received notice of this suit when it was served with Citation on January 30, 2017 and this removal notice is filed within 30 days thereafter.

III.

The Plaintiff is a natural person and resident of the State of Texas. Defendant State Farm Lloyds is an association of underwriters, whose citizenship for traditional diversity purposes is defined by the citizenship of its underwriters. See *Cronin v. State Farm Lloyds*, No. 08-1983, 2008 WL 4649653 (S.D. Tex. Oct. 10, 2008). None of Defendant State Farm

Lloyds' underwriters are citizens of Texas. "State Farm Lloyds is a domestic 'Lloyds Plan' unincorporated association of members, as contemplated by Texas law." *Massey v. State Farm Lloyds Ins. Co.*, 993 F. Supp., 568, 569 (S.D. Tex. 1998); *see Royal Ins Co. of Am. v. Quinn-L Capital Corp.*, 3 F.3rd 877, 882, 883 (5th Cir. 1993), *citing Carden v. Arkoma Assoc.*, 494 U.S. 185 (1990). "[F]or purposes of determining whether diversity jurisdiction exists, we conclude the members of a Lloyds group are the underwriters alone." *Massey*, 993 F. Supp. at 569.

IV.

Plaintiffs' suit petition ("Complaint") pleads insurance contract and claim handling causes of action allegedly arising from a storm event on or about May 26, 2015. The Complaint is replete with numbered paragraphs setting forth various vague common-law and statutory causes of action, seeking monetary recovery for actual, statutory, additional, exemplary, and attorney's fees. Plaintiffs' Complaint, ¶ IX, p. 6, plainly recites that Plaintiffs "renounce[s] any judgment in excess of \$365,000, exclusive of interest and costs which might be rendered." The amount in controversy plead satisfies the "threshold" requirements of 28 U.S.C., §1332(a). Defendant exercises timely removal jurisdiction.

V.

Notice of Removal to the United States District Court has been provided to the County Court At Law No. 1, Edinburg, Hidalgo County, Texas, from which this suit originated and to counsel for Plaintiffs.

WHEREFORE, PREMISES CONSIDERED, Defendant State Farm Lloyds prays that this action be removed to the United States District Court for the Southern District of Texas, McAllen Division; that it be afforded judgment; and, for such other and further relief that it may be entitled.

Respectfully submitted,

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Attorneys for Defendant **STATE FARM LLOYDS**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument was forwarded to the following counsel of record on this the 7th day of February, 2017:

Christopher Lee Philippe Via E-Service: clphillipe@cameroncountylawyer.com

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Attorney for Plaintiff **JULIO AND ROSA TELLO**

By: /s/ Craig H. Vittitoe

Craig H. Vittitoe